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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,774	07/31/2003	Kyung-Geun Lee	1293.1459	8468

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EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 10/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/630,774	Applicant(s) LEE ET AL.	
	Examiner Aristotelis M Psitos	Art Unit 2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☒ Claim(s) 10-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/31/03, 11/18/03 &</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Information Disclosure Statement

The IDS submitted on 2/17/04, 11/18/03 along with the petition to make special, have been reviewed and made of record.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations of claims 4-8, 12-16 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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Claim Objections

Claims 10-13 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Although parent claim 9 is apparatus, the limitations of claim 10 are drawn to a desired ability, successively recorded, but no additional apparatus to provide for such successive ability is provided for. Claim 11 adds no further apparatus limitation(s), while claim 12 recites a desired ability --- recorded by push-pull signal/sum channel, but no such channels are provided for, and similarly with respect to claim 13. Appropriate correction is respectfully requested.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the

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examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1-8, and 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weirauch et al further considered with Acker.

With respect to the independent claims, 1 and 9:

Weirauch discloses data structure wherein appropriate control block information (dcb) is associated with each data block, wherein the examiner interprets the tracks associated with each dcb as the data block (user information). The system provides for the ability of having newer/more recent dcbs – see col. 2, paragraphs 0016 and paragraph 0017, and includes laser power as part of the dcb protocols – see paragraph 0020. It is noted that the newer dcbs are appended at a latter time.

Acker, as noted by applicants' has the additional control parameters, with respect to laser power, speed, and format.

It would have been obvious to modify the base system of Weirauch et al with the above teaching from Acker; motivation is to include appropriate control data for various control parameters.

Independent claim 9 is the apparatus for doing the above noted methods, having an optical pickup, which is clearly depicted in the above references, as well as a controller – which is interpreted as the processor/computer element in the references.

With respect to the limitations of claims 2 and 10, the recording process in Weirauch et al is successive.

With respect to claims 3, 11 and 6 and 14, this is found in Acker or Kim.

With respect to claims 4 and 12, push-pull channels are used in cds, while sum channels are used for DVDs. Since Weirauch et al refers to cds, the push-pull channel ability is considered inherently present.

With respect to claims 5 & 13; 7 & 15; and 8 & 16, the read only area, or the wobble groove format is discussed in the above combined references.

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2. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyake et al further considered with Mimura et al.

Miyake et al discloses an optical recording and reproducing system wherein a plurality of additional information (see discussion of information 2) is provided for their intended use – control purposes. Furthermore, Miyake et al discusses the inclusion of plural areas having different physical characteristics – see col. 2 lines 55 plus for instance. Once these characteristics are detected/identified the system performs the appropriate processes accordingly. Miyake et al also discusses the ability of having multi-sessions with respect to both cds, and DVDs. Hence as known, multi-sessions permits a user to append/add additional data (both control and information) in a sequential manner.

Mimura et al discuss the ability of having a plurality of version numbers with its associated specification – see col. 15 lines 5 plus for instance.

It would have been obvious to modify the base system of Miyake et al with the above additional ability of difference versions for dvd protocols and met the claimed limitation motivation is to provide for a record/reproducing system adaptable to changing standards – i.e., updates.

With respect to claims 2 and 10, multi-sessions are successive.

With respect to claim 3 and 11, this is found in Miyake as part of the additional information 2.

With respect to claims 4-7 and 12-16 see the discussion with respect to figure 62 and the appropriate apparatus elements required to read/write thereto.

3. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueki considered with either Bakx et al.

Ueki discloses an optical recording/reproducing system wherein first and second lead-in areas are provided, each for their respective data segments. As well known, control data is found in such areas for the inherent control function/identification. Such control parameters is taught by the Bakx et al reference.

It would have been obvious to modify the base system of Ueki with the additional teaching from Bakx et al; motivation is to provide for the appropriate control parameter(s) for each lead in area for each

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data segment. The examiner interprets the identification of "session" number as analogous to "version" nomenclature.

The hardware/apparatus limitations of independent claim 9 are present in the above combined references/ an optical pickup and controller.

With respect to claims 2 and 10, the existing and the "updated" control information are successively recording in the first area, wherein the examiner interprets the lead in area LI as depicted in figure 1 to the area.

With respect to claims 3 and 12, this is depicted in the Bakx et al reference.

With respect to claims 4 and 13, push-pull channel is associated with reading rom area segments or cd area segments.

With respect to claims 5-8 and 14-16, wobble grooves and their use are described in the above combined systems.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kim is cited as illustrative of alternative prior art control signal parameters. Tagiri et al is cited as illustrative of the ability of providing for version up information in this environment, and Horie is cited as providing the ability to update the rom information (master and subsequent) accordingly. Horie can be relied upon in the above rejections as the base reference.

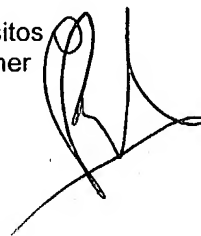
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M Psitos whose telephone number is (703) 308-1598. The examiner can normally be reached on M-Thursday 8 - 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aristotelis M Psitos
Primary Examiner
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A handwritten signature in black ink, appearing to be 'A. Psitos', written over the printed name and title.

AMP